

Remarks

I. Status of claims

Claims 47, 48, 50-55, and 57-68 are pending.

The Examiner has allowed claims 47, 48, 53-55, and 60.

Claim 67 depends from allowed independent claim 47; claim 65 depends from allowed independent claim 53; claim 68 depends from allowed independent claim 54; and claim 66 depends from allowed independent claim 60. Therefore, claims 65, 66, 67, and 68 also should be allowed.

Claims 51, 52, 58, 59, 62, and 64 have been rewritten in independent form in response to the Examiner's indication that such claims would be allowed.

II. Interview summary record

On April 11, 2007, Edouard Garcia (undersigned) and the Examiner discussed the rejection of claim 50 under 35 U.S.C. § 102(e) over Beam (U.S. 2002/0150137). In this discussion, the Examiner agreed with Mr. Garcia that the substrate/DBR stack disclosed in Beam does not create any appreciable strain and therefore does not constitute a defect source as defined in claim 50. The Examiner also agreed that the metamorphic buffer layer 54 would not be able to balance any hypothetical strain that might exist in the absence of the metamorphic buffer layer 54 because there is no strain in the metamorphic buffer layer 54. Notwithstanding this agreement, the Examiner expressed a preference for amending independent claim 50 to include language of the type presented above. The Examiner indicated that, in his mind, such an amendment would clearly distinguish the subject matter disclosed in Beam.

During the same telephone conversation, the Examiner assured Mr. Garcia that he would not issue an advisory action in response to an amendment after final that amended claim 50 in the manner indicated above.

For at least these reasons, the Examiner's rejection of independent claim 50 under 35 U.S.C. § 102(e) over Beam should be withdrawn.

Claim 61 incorporates the features of independent claim 50 and therefore is patentable over Beam for at least the same reasons explained above.

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Page : 10 of 10

Attorney's Docket No.: 10003809-7
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Independent claim 57 has been amended to recite features that essentially track the amendments made to independent claim 50. Claim 57 therefore is patentable over Beam for at least the same reasons explained above.

Claim 63 incorporates the features of independent claim 57 and therefore is patentable over Beam for at least the same reasons explained above.

III. Conclusion

For the reasons explained above, all of the pending claims are now in condition for allowance and should be allowed.

Charge any excess fees or apply any credits to Deposit Account No. 50-1078.

Respectfully submitted,

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